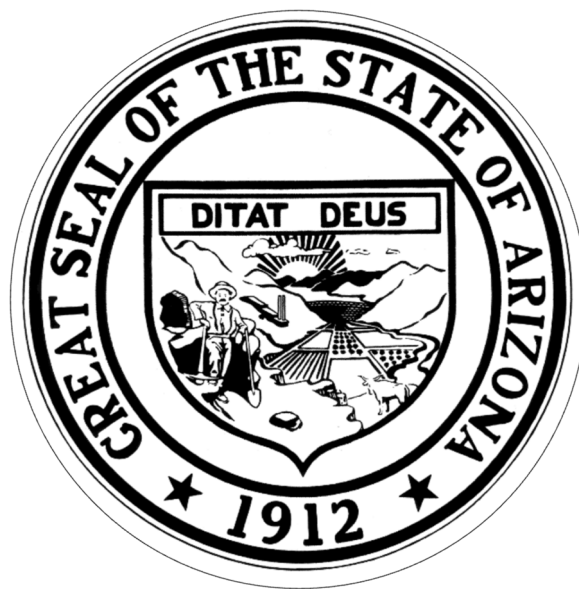


Arizona Ombudsman-Citizens' Aide  
3737 North 7th Street, Suite 209, Phoenix, Arizona 85014  
Tel 602.277.7292 | 800.872.2879  
Fax 602.277.7312  
[www.azoca.gov](http://www.azoca.gov)



# ANNUAL REPORT

## JANUARY-DECEMBER, 2013

Submitted by Arizona Ombudsman-Citizens' Aide, Dennis Wells  
May 23, 2014



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# OPTIMIZING OUR STATE GOVERNMENT

## OUR MISSION

The mission of the Arizona Ombudsman-Citizens' Aide is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies, and recommending a fair and appropriate remedy.

## OUR ROLE

The Arizona Ombudsman-Citizens' Aide is an independent agency of the Arizona Legislature that was established to make government more responsive to Arizona citizens – “To give voice to the little guy.” It is the office that Arizona citizens can turn to when they feel they have been treated unfairly by a state administrator, agency, department, board or commission. The services of the Ombudsman are free and confidential.

The office is given its authority by Arizona Revised Statutes §§41-1371 through 41-1383 and operates under Arizona Administrative Code Title 2 Chapter 16.

## Aiding Citizens

### HOW WE HELP

The Arizona Ombudsman-Citizens' Aide office provides a unique service because we offer objectivity to citizens who complain when they think their state government has treated them unfairly. The first thing our experienced investigators do is listen to the person's complaint. For some people this is the first time they feel that anyone in government actually heard them. Then we determine the nature of the dispute and respond in the most appropriate way to resolve the issue.

We group responses into three categories:

### COACHING

Many residents are able to resolve their own concerns when they are aware of the services available. We help these residents by educating them on the options available to them based on their specific complaint. Coaching includes defining issues and rights, identifying options, referring people to the appropriate employee or department, redirecting citizens to services outside our jurisdiction (non-profits, federal agencies, etc.), explaining agency policies, researching information, offering conflict management strategies, and developing reasonable expectations.

### ASSISTANCE

Sometimes coaching is not enough and residents need our office to communicate with government agencies directly. Most complaints are the result of a miscommunication or a simple mistake. In these circumstances, we contact the appropriate agency on the citizen's behalf, facilitate communication between

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the parties, or coordinate an action between agencies. Our investigators are working on a continual basis to foster relationships with agency personnel in every state agency to enable efficient resolution of complaints prior to escalation.

## INVESTIGATION

Some complaints are more serious and do not lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. We work with the impacted individuals and agency personnel to ensure that the agency is complying with the law and offering optimal public service. Although we have no authority to compel an agency to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring it to their attention. If the allegations are unsubstantiated and the agency performed correctly, we stand up for them and explain our findings to complainants. If necessary, we write investigative reports of our findings and recommendations. When final, we send the report to the agency investigated, the legislature, the governor, and the complainant(s).

## STAND FOR WHAT IS “RIGHT.”

Once the facts are in and analyzed, then we “call it as we see it.” When we substantiate complainant concerns, we inform the agency, recommend corrective actions and stand up for the citizen. When we do not substantiate complainant claims, we inform the complainant the rationale and stand up for the agency.

## CUSTOMER SATISFACTION

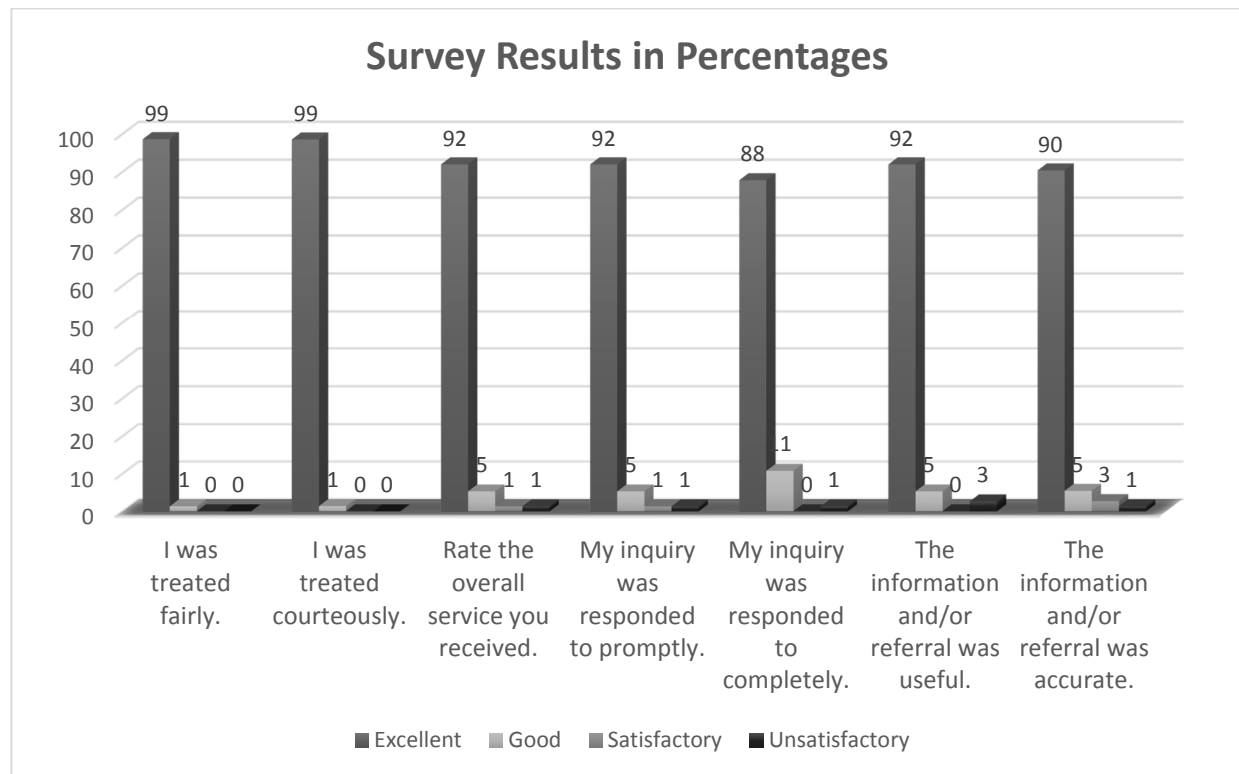
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing six standards that we developed in our strategic plan.

These standards are:

- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.
- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** solutions to citizens.
- Provide **accurate** responses to citizen complaints.

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The chart and comments on the following pages summarize the results of the survey for 2013.



## WE WELCOME FEEDBACK

The following comments are from citizens who used our services between January 1 and December 31, 2013:

“Thank you so much for the assistance in this matter. It is nice to know there is a service such as this to help the common people of AZ.”

- *“Those who managed my inquiry did so quickly, efficiently...and on a Friday afternoon before a holiday weekend. Impressive service!”*
- *“I high recommend anyone who is dealing with CPS to utilize this service.”*
- *“‘WOW’, is the best expression I could think of at the moment of my sincere appreciation towards all of you.”*

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- *"The agent that assisted me was very friendly and helpful. (Also patient, as I was highly agitated with CPS when I called)."*
- *"Twice you have come to my aid + Both times everything was helpful + useful."*
- *"He was very courteous and kind. I appreciated his patience."*
- *"I needed assistance with a special tax refund issue and I had a response from the Department of Revenue less than a week later - I was very pleased....and this was after I had tried and failed to obtain assistance via my state senator and the governor's office."*
- *"Sarah was very friendly and courteous to me. In addition, she was extremely helpful and prompt in assisting with me an ongoing issue. I would like to recognize her for her excellent customer service."*
- *"It means so much when someone care's and (Sarah was wonderful!) Caring and compassionate and prompt."*
- *"Thank you Sarah for all your help in resolving transportation issues with CPS."*
- *"Carmen was knowledgeable, & showed no biases when assisting in resolving the inaccurate information placed on the web about me by the nursing board."*
- *"Kate is absolutely professional and ethical and so wonderful. I am grateful and really appreciate all her assistance. :) My life and my children's life are better due to her help."*
- *"When I was stymied by a school superintendent who didn't want to follow the law, I only had one place to turn without paying money to go to Superior Court. Your part of the Government is truly one that provides an incredible service to taxpayers. Thank you."*
- *"Kathryn was extremely helpful."*
- *"Sarah was quite informative & helpful in assisting me in seeking the proper person[s] at ADC to allow me to get the final critical questions answered we a have."*
- *"Thank God I thought of contacting you, or I would still be sitting here very frustrated. Thank you!!!!!!!!!!!!!!"*
- *"The people I dealt with were very courteous + helpful."*

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- *"I very much appreciated the help of Sarah in helping me to find the proper law, which articles had been moved, thus, unable for us to find and read it."*
- *"Thanks again for this opportunity to be able to contact knowledgeable persons in an Ombudsman-Citizens Aide Office :-)"*
- *"They resolved my issue within less than 24 hours."*
- *"The service was 5 star. Great job keep up the good work."*
- *"My experience with Sarah was outstanding. It is rare today to find the professionalism, courtesy and friendliness that she exhibited. Therefore, in my opinion, she is an exceptional employee that we could use many more like her."*
- *"Thank you so very much, today was the first day of me speaking with CPS. Felt like a human being rather than less than. It makes such a big difference, and I have you to thank for it. Thank you for helping me in my situation and for giving me HOPE in the system where I thought there was none."*
- *"Thank you so much. I feel empowered."*
- *"I rarely mark 'excellent' on surveys that I complete since most of the time it is very good service that you receive. For that matter, I rarely fill out surveys since it takes my time which is valuable to me. My experience with your office is one of the rare exceptions in which I can't rave enough about. I wasn't aware that your office existed before this interaction. The only improvement that I can offer you is to make more people aware of the services that you offer."*
- *"I told Kate my circumstance and she asked a couple of questions and then told exactly what she was going to do. She had a contact at the director's office in the MVD and she would email her about my issue. She then followed up with me to ensure that the MVD had reached out to me. I was able to resolve a very difficult issue as a result of Kate getting me in touch with the ""right"" person. Even if I had not received the answer, I wanted from MVD it was such a relief to be able to tell my situation to one person and get the information I needed."*
- *"I am excited to know that your office exists and have been telling my friends about my experience. Keep up the good work!"*



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## Compelling Cases

### FORMAL REPORT: THE ARIZONA MEDICAL BOARD, CASE #1202725

This year we released the Ombudsman-Citizens' Aide Investigative Report of the Arizona Medical Board ("AMB"), case #1202725. The report to the Arizona Legislature found the AMB enacted licensing procedures that violated state laws. A former employee of the medical board triggered the investigation when she filed a complaint alleging that the AMB violated Arizona licensing laws for medical doctors. Other workers also came forward and echoed the initial complaint. The complainants alleged the Board and executives of the AMB approved procedures and directed staff to operate in ways that violated state laws and did not support the agency's mission, "to protect public safety through the judicious licensing, regulation and education of all allopathic physicians."

The investigation identified 20 issues specific to the allegations. The Ombudsman-Citizens Aide Office researched these matters, and then substantiated 19 findings and found one indeterminate. The Ombudsman Office concluded the Medical Board administrators were emphasizing speed over a number of the laws that govern licensing of doctors.

In response to the report, the AMB Board largely agreed with the findings and accepted the Ombudsman recommendations with only a couple of minor qualifications. We have posted the report on our web site at [http://www.azleg.gov/ombudsman/AMB\\_Report1202725.pdf](http://www.azleg.gov/ombudsman/AMB_Report1202725.pdf).

### GENERAL COMPLAINTS ABOUT STATE AGENCIES

We want to give you a further sense of how our efforts translate into quantifiable results. The following case summaries are taken from the 4,853 cases we completed in 2013. Our office has three areas of focus, so we will cite from each. The first area relates to cases of a general nature involving complaints against state agencies. The second area focuses on child protective services (CPS) cases and the third on public access.

#### Our Three Focus Areas

Our office has three focus areas, and we cite examples from each:

1. General complaints about state agencies;
2. Child Protective Services (CPS) cases and
3. Public access cases.

Under the general case summaries, we also highlight ways in which the resolutions reached **added value** to our state government.

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## FOCUS AREA 1 – ADMINISTRATIVE ACTIONS OF STATE AGENCIES

**Our intervention revealed a field practice that was not in accordance with the agency's stated procedure.**

### **1303973.**      **DES – Benefits and Medical**

A former recipient of AHCCCS medical services believed DES improperly sent her a denial letter for her application renewal. Subsequently, she received two letters that seemingly contradicted each other. She expressed that the matter was urgent due to her need for surgery. She has contacted both AHCCCS and DES who have failed to correct the issue.

We reviewed the applicant's materials and contacted DES. DES admitted the two letters contradicted each other and stated DES improperly sent out due to a glitch in the system. DES promptly corrected the error and approved the woman's renewal application.

We notified the complainant. She was very grateful for the assistance we provided since she had not been able to resolve the matter with DES herself.

**Our intervention led to a change in an agency's practice & corrected a systemic problem.**

### **1300213.**      **DES - Employment and Rehabilitation**

The Department of Economic Security Unemployment Insurance (UI) notified a benefits recipient he must re-pay unemployment insurance funds he was wrongly paid during the time the recipient was receiving severance pay from his former workplace. He appealed the decision as he made it very clear to UI he was receiving severance pay and they paid him UI anyway. An Administrative Law Judge upheld his ineligibility, but decided to change the determination from 'non-fraud' to 'administrative' to give the recipient a chance to file for a waiver of recoupment.

UI informed the recipient he needed to fill out a confidential financial statement form if he wanted to file for a waiver of recoupment. He did not want to fill out this form, as he did not want to share information about his finances. He also disagreed that the law precluded him from receiving UI when he was receiving severance pay.

He noted that the citation in the letter UI sent him did not say anything about severance pay excluding him. We researched the citations in the letter and found that the deputy cited the

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wrong Arizona Administrative Code sub-section; they cited A.A.C. R6-3-55460 (B) while the sub-section that corresponds to severance pay is in subsection (A). Overall, the rule in its entirety disqualifies those receiving severance pay from receiving unemployment insurance benefits.

We notified DES that there might be a systemic problem with their form letter. We recommended instead of citing a sub-section of the rule, they cite the rule in its entirety. They took our recommendation and changed the citation. We also notified the complainant of our finding and directed him to the correct citation.

We researched A.R.S. § 23-787, which covers repayment of, and deductions for, benefits obtained by claimants not entitled to benefits. It noted, "if repayment or deduction from future benefits would be against equity and good conscience, the department may waive all or a portion of the amount overpaid." DES Substantive Policy 3-18p-001, otherwise known as Guidelines for Making Determinations on the Waiver of Recoupment of Unemployment Insurance Overpayments, recommends an "adjudicator should apply the 'against equity and good conscience' standards in a manner consistent with fairness and justice, considering... (A) Overpayment Status... (B) Financial Considerations... C) Potential Earning Power" and any other relevant factors.

After reviewing the Confidential Financial Statement, we determined that the factors outlined by the substantive policy align with the questions asked on the Confidential Financial Statement form. We confirmed with DES UI that the form was not required, but without the form, DES has nothing to use to determine if repayment or deductions would be against equity and good conscience. We informed the complainant of our finding and notified him of his options regarding the form.

## **Our intervention resulted in better service to citizens.**

### **1303719.**

#### **State Board of Nursing**

A man was upset that Arizona denied his license although other states had approved his licensure. The man informed us he had some substance abuse and legal problems due to the abuse between the 1980s and 2001. Subsequent to that, the man got into substance abuse programs and reformed himself. The man claimed he had been sober and that he had a clean record since then.

Arizona agreed to set up a hearing, but due to him residing in Michigan, he could not attend in person so he requested a telephonic hearing. The agency did not respond to his request. The man asked us to intervene and have the agency to respond appropriately.

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We took the case and reviewed the applicable laws. We consulted with the agency. They said the man was initially denied because he refused to supply information detailing his earlier arrests, their disposition and his substance abuse treatment. The agency granted a telephonic interview and settlement proposal.

We informed the man the agency would be in touch and gave him an overview of the laws. We told him where to find relevant information on the web and what to expect generally in the process. We answered his questions and confirmed the agency notified him about the telephonic interview.

## **1303263.**                      **DES - Benefits and Medical Eligibility**

After her husband's accident, a wife had to leave the workforce to be his full time caretaker. She received DES cash assistance and signed up for the Maximus program for people in her type of situation. She was having a hard time because each month she had to get a medical note explaining that she was still her husband's primary caretaker. This month, she received a new packet. It said she needed to fill in her work search information. There was no way for her to search for work or accept work (given her husband's need for her help), so she did not know what to do.

We contacted DES and they arranged for the Maximus caseworker to contact her. The caseworker explained that she mistakenly sent the packet, because she had not had a deferred-status case before or a case with a couple. She apologized and explained that from now on she would contact the wife directly to confirm that she was still taking care of her husband.

We contacted the wife; she confirmed what DES told us and thanked us for our assistance.

## **We resolved a case that no one else was able to resolve internally**

## **1303920.**                      **DES - Child Support Service**

A woman was upset that DES Child Support (DCSS) was sending money for her to the bank, but it was not getting into her card. The woman said she had been trying to get DCSS staff to fix the problem, but had trouble, as they were not getting back to her.

We contacted DES DCSS and asked them to review the account. They did so and determined that the complainant had one bankcard for another purpose, but needed another card for her child support. DES DCSS contacted the woman and explained that the woman needed to request a card from the bank so that she would get access to the funds put into her account.

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We contacted the woman to make sure she received the proper instructions about how to resolve the problem. She confirmed she had heard from DCSS staff. She said she followed up, called the bank and the bank issued the card.

## **1303586.                      Transportation-Motor Vehicle Division**

A man complained that the Arizona Department of Transportation, Motor Vehicle Division (MVD), had issued him a vehicle citation here. The man said that he had paid the fine, but MVD was not recognizing the payment. The man said that he lived in Tennessee and was having trouble fixing the issue from another state. We took his information, reviewed the case and applicable laws, and then contacted MVD. We reviewed the case with our MVD contact. Our contact looked into the matter further and then informed us that MVD was going to credit the account to reflect the payment and then reinstate the man's driving privilege in Arizona.

We informed the complainant and he expressed his appreciation.

## **1304570.                      AHCCCS**

A hospital applied for SSI-MAO with AHCCCS for a homeless patient. The patient was hospitalized and had been unconscious since he arrived. They found out that AHCCCS denied the patient's application. AHCCCS said it was too late for an appeal, because they had sent the patient a notice outlining his appeal rights and he did not appeal. The hospital tried to appeal for him, but AHCCCS denied it.

We contacted AHCCCS and notified the patient advocate that the patient had been in the hospital unconscious when the notice went out. AHCCCS then recognized the issue and worked with the hospital representative to ensure the patient had coverage. The representative thanked us for our assistance.

## **We provide an alternative avenue to a more expensive dispute resolution mechanism and our intervention identified a problem with a statute.**

## **1303803.                      Nursing Institution Administrators & Assisted Living Managers Examiners Board**

An assisted living administrator said his and his wife's assisted living manager licenses expired as of June 30 of this year. He said the Board told him he could not renew without going through licensure all over again. The couple was licensed for almost three decades. They had taken the continuing education required within the proper timeframe, but they had not gotten the renewal notice in the mail, so they missed the turn-in deadline. Going back through

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original licensure meant the man would have to get a college degree in one of three disciplines and that he would have to take and pass the licensure test and that he would have to meet other criteria. The man was considering a lawsuit.

We examined the relevant rules and statutes (example: A.R.S. § 36-446 and Rule [AAC R4-33-206]) and found the laws to be very specific and that time extensions for such filing mistakes were not set forth in law. We also consulted with our legal counsel and confirmed our interpretation of the case was accurate.

We got in touch with the complainant and explained that under the statutes the license is valid only until June 30 of the appropriate year. A.R.S. §36-446.04, subs F. If the license is not renewed by then, it is not in effect. A person cannot operate without a license or certificate. A.R.S. §36-446.01. The statutes are silent on how a former licensee can renew a license if the licensee missed the renewal date, except that they do provide for a late renewal penalty. A.R.S. §36-446-12. Therefore, the statutes imply a late renewal process, but do not specify it. The rules fill in this gap by allowing a late renewal application under certain circumstances and for a limited period. The statutes do not provide a special licensing provision for a person previously licensed in Arizona. Therefore, if the person misses the late renewal provision prescribed by rule, the only way to obtain a license is by the original licensing procedure.

We told the man that given the agency is acting within the law as currently written, we cannot substantiate the agency erred. The agency followed the law. We told the man his problem is now a political one. Any change would be need to be implemented by legislative change and support of the Governor. He would have to convince these officials that the current law is not good and that it would be better policy to provide a grace period for license renewal snafus.

We told that man that there are grace periods for some other licenses. We noted corporations have three years in which to be squared away. The man appreciated our effort at looking into the laws.

## **Our intervention resulted in financial savings to the agency.**

### **1303605.                      Arizona Board of Appraisal**

A woman called complaining about the Executive Director at the Board of Appraisal. She claimed the Director did not follow the legal procurement process because she failed to ask for bids. Further, the director selected instructors from out of state to teach classes for continuing education appraisers. The woman believed this is a violation of the procurement rules. The woman provided documentation of the costs that the out of state trainers provided, which was in the thousands of dollars more than her charge. She asked if someone could review the Director's actions.

We reviewed the information and were troubled. We contacted the Arizona Department of

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Administration Purchasing Office (SPO) and reviewed the procurement rules and the actions of the Board of Appraisal relating to this contract. ADOA said they would further examine the situation and the complaint. We provided ADOA with documentation to support their review.

ADOA verified that the Board of Appraisal had exercised bad judgment and there were inconsistencies with the Arizona Procurement Code (A.R.S. §41-2551). Due to this determination, the State's Procurement Office rescinded the Arizona Board of Appraisal's delegated procurement authority. ADOA also notified the Chairman of the Board of the Arizona Board of Appraisal of the action they took.

We contacted the appraisal teacher and informed her that her complaint was substantiated. We told her that ADOA took action to ensure that the Board of Appraisal was formally notified and corrective measures were taken so the director could not make such selections in the future without SPO supervising the Board's contract purchases.

**Our intervention helped resolve a grievance against a state agency, even though the resolution might not involve a financial benefit.**

## **1304104, 1304225 & 1304226. DES - Aging & Community Services**

An assistant to a legislator asked us to look into a complaint that DES - Aging & Community Services (APS) was not doing its job in safeguarding a woman who was thought to be suffering from dementia or a like impairment. The sister and the son of the woman in question also contacted us. We interviewed the sister and the son of the woman. The family said that Adult Protective Services (APS) should protect the woman from a daughter who was keeping her from the rest of the family and taking her money. The family said that APS should be taking the woman into protective custody as CPS would if it were a child in danger.

We interviewed APS managers, researched the relevant laws, and we spoke to our attorney.

APS cannot confirm details of their meeting with the woman and the daughter to the other members of the family pursuant to law, but they must provide the Ombudsman Office with the privileged information and their documentation pursuant to ombudsman laws in Title 41.

We got in touch with APS. APS gave us information to prove that they did investigate and they demonstrated that they spoke to the mother and made recommendations she seek care and formal medical evaluation. However, they noted Arizona law did not give APS the same authority as CPS because APS has less strong laws than CPS in Arizona. Some states, like New Mexico, have laws that permit their APS workers to take vulnerable adults into protective custody with laws similar to CPS removal.

We checked and our attorney confirmed. In this state, APS needs a legal or medical expert

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determination that the person in question is not capable of his or her own decisions before they can act. APS cannot insist a person submit to such an evaluation. In contrast, CPS can take children, deemed to be in possible impending danger, into protective custody. They then can take the parents to court and ask a judge to require the parents complete treatments, stop abusing substances, sit for psychological evaluations and the like. Thus, CPS has more authority to act proactively when they have a concern a child is in impending danger, than APS does. APS explained that the work around is that the statutes let family or involved parties go to court to prove (or attempt to prove) a person is not able to care for themselves and that a guardian should be appointed. APS said they relayed this to the family.

We reviewed the statutes and double-checked with our legal counsel to verify the APS explanation. We confirmed the information was correct. We then explained this to the son and to the sister of woman. We also got in touch with the legislators' assistant and told her this too. We told them all about the legal citations and recommended the family proceed to court with such a filing given their concerns. We suggested they consult with estate and senior citizen attorneys. We told the relatives they did not need APS's permission to petition the court. We noted the number of concerned relatives is likely to give the court reason for concern and the APS workers can be subpoenaed as witnesses.

## **Our investigation of a complaint shed light on a related matter that was not the subject of the complaint.**

### **1301329.**                      **Veterans' Services**

A widow recently started receiving calls trying to defraud her. She wanted to report the callers so that they would not be able to swindle anyone else. We advised her to contact her local police department and call her local area agency on aging and the AG's fraud hotline.

While talking about her complaint, she mentioned she was having a hard time because Veteran's Affairs thought she had died due to her change of address. She was trying to get her benefits reinstated but it was very difficult. We offered to send her contact information to an Arizona Veteran Services representative to find out if there was anything they could do. She thanked us for our kindness and consideration.

Veteran Services contacted her and filled out the forms she needed to finish and set everything up so that her benefits would start again soon. She was very happy and thankful for the help.



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## We resolved a case involving more than one agency.

### **1301969.**                      **Department of Revenue**

A previous complainant needed to get her Arizona tax return released from Unemployment Insurance. We helped her get it released, but after they released it, the Department of Revenue (DOR) did not send it on to her. We reviewed the matter and then contacted DOR and asked them to refund the money or explain why they kept it. DOR examined the situation and agreed they should forward the money. They helped her receive the check. The complainant thanked us for our assistance.

### **1302644.**                      **DES - Child Support Service**

A man called needing help with an issue he is having with the DES-Department of Child Support Service (DCSS). He said DCSS intercepted his income tax return, yet he had already finished paying off his entire child support obligation. He does not understand why his money is in suspense and has not been able to get answers from DCSS.

We reviewed his case information, contacted DCSS and asked them to correct the problem. They agreed to do so. The agency later informed us that the Internal Revenue Service (IRS) was holding the taxpayer's money, not any Arizona agency. The IRS said they had not been informed the DCSS case was paid off and closed. DCSS provided documentation for the IRS. They sent a letter informing the tax agency that Arizona DCSS closed the support case. DOR requested the IRS release the tax funds to the man because he owes no support debt. DCSS then contacted the man, explained the problem and told him of the measures they took to correct the situation.

We contacted the man and he confirmed he received a call from DCSS and they explained the process to him and told him the IRS was refunding the money.

### **1303834.**                      **DES - Employment and Rehabilitation**

An unemployment insurance applicant did not receive DES Unemployment Insurance (UI) benefits for five weeks. He could not get through to Unemployment Insurance to ask them to change his address with the UI bank card service, Bank of America. He tried changing it with bank directly, but the bank notified him that UI would have to do it. We contacted UI about the issue and they performed a conference call the same day with the bank and the complainant to address the issue. They fixed it, and the bank sent him a card the same day as

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well. We called him back and he was very happy that UI and our office facilitated such a quick turnaround.

**Our intervention provided better service to the customer or financial saving to the customer.**

## **1304153.**                      **Transportation-Motor Vehicle Division**

An Arizona driver was upset that the Motor Vehicle Division (MVD) is forcing her to take a driving school to keep her license. The MVD had a record she was convicted for a traffic incident that she did not commit. The person was driving an Oregon car, with Oregon plates, and had an Oregon Driver's License. She does not have any of those things. We told her we would contact the MVD to get more information on the situation.

At our behest, MVD reexamined the issue. They found that the judge dismissed the charge, but the information was not in the MVD system. They updated the information and cleared it up with the complainant.

## **1303247.**                      **Board for Private Post-Secondary Education**

A woman was upset she submitted a complaint to the Arizona State Board for Private Post-Secondary Education over 3 months ago and had not received a response. She indicated that the Deputy Director at the Board had told her that they would present her case to the Board, but it has never happened. She would like to know why the Board is not responding to her complaint.

We talked to the Deputy Director at the Board and he informed us he had spoken to the woman several times and had informed her that her complaint does not fall within their jurisdiction because the school is not licensed. The Deputy Director said he provided names of other agencies where she could file a complaint. The Deputy also informed us that the Board is allowing the woman's complaint to go to the Board so the Board could formally opine on the jurisdiction question. The Deputy indicated that he has sent the woman a letter letting her know that the Board will hear her complaint in approximately one month. She will then get a decision from the Board.

We contacted the woman and provided her with the information we got from the Deputy. She thanked us for the information.

## **1303432.**                      **Department of Health Services**

A woman wanted assistance from the Department of Health Services (DHS) regarding her Magellan coverage. She had tried working out her issue with the agency to no avail. She said

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that a DHS advocate informed her that according to Arizona Administrative Code R9-21-104.B, the Department of Health services is to assist her in the appeal process with Magellan. She claimed that DHS is refusing to assist her. She would like for us to check on the reasoning as to why the DHS is not assisting her.

We contacted the DHS and they provided us with the Office of Human Rights area contact information. The Office of Human Rights said the persons their office helps must meet certain criteria, before the agency may provide them with assistance. The Office of Human Rights also said they did not have record of the woman asking for assistance. We asked DHS what the woman would need to do to receive assistance from them. DHS then asked for the woman's name and contact information and said they would have one of their senior advocates contact the woman and assist her with her issues.

We contacted the woman and informed her that DHS would be contacting her shortly to assist her. We told her to re-contact us if the agency fails to reach or assist her.

## **1303524.**                      **Registrar of Contractors**

A homeowner filed a complaint against a contractor in the Heber area. The homeowner explained he is a former contractor himself. The complainant said he had a three-part complaint. First, it has taken too long for the ROC inspector to get back to the complainant and he thinks the inspector might be biased to protect the contractor. He feels the inspector was siding with the contractor or seemed to know the contractor because it is a small town and "everybody knows everybody." The ROC inspector is a resident of the area and has been with the ROC for many years. The complainant would like a inspector from outside the area to conduct the inspection so it is not influenced by the small town atmosphere.

Secondly, the homeowner claimed the recently installed railing on the porch is loose and creates a safety hazard. He said, "A terrible accident could occur if the loose deck railing is not been re-built. It was so loose that a person could easily fall over the side just by leaning on the railing." The deck is approximately 15 feet off the ground on one side of the house. Additionally, he says the paint job was shoddy. It is already starting to peel off; two paint colors were used; paint was spilled and it dripped onto the concrete where it was not cleaned up, but left to cure on the driveway and patio.

Third, the contractor did part of the job and then stopped the work. The homeowner said he had spoken to the ROC and was not satisfied. The homeowner asked us to look into the case. He explained he initially filed a complaint on the rail workmanship standards two months ago. He later added a painting complaint.

We reviewed the documentation and evidence and contacted the ROC ombudsman. We asked the ROC to inspect the new claims and noted our concerns. The ROC agreed to inspect again

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and later agreed the work needed repairs. They notified the contractor and issued a work order. The contractor performed repairs. We then asked the complainant if the problem was fixed and he said that some problems remained. He asked for another inspection and received it. We were able to convince ROC to do inspections which resulted in the problems being corrected both with the paint job and with the faulty and dangerous railing.

Complainant thanked us for being diligent and having action taken in a very rural area where the work standards are not always the best.

## **1303814.**                      **Department of Revenue**

A taxpayer complained he received a tax bill from Arizona Department of Revenue (DOR) despite having never lived in Arizona. He had not been able to get the matter resolved with DOR.

We reviewed the man's evidence and then contacted the Department of Revenue. They researched the issue through their audit division and determined the man should not have been billed. DOR then abated the billing and claim.

We notified the man and he was very grateful for our assistance, as he had been losing sleep over this issue.

## **1401768.**                      **DES - Benefits and Medical Eligibility**

A benefits recipient submitted a change report to DES regarding her food stamps in March. She was upset DES was not changing her benefits for two months. DES processed the change but they planned to make the changes starting in May, not April. We contacted DES and they corrected the mistake and paid her for April as well since the recipient had filed in March.

## **1304422.**                      **DES - Child Support Service**

A mother complained that DES-Child Support Service (DCSS) had withheld child support payments from her over a month. When she asked DCSS to justify the hold, DCSS said the delay was because their finance department was backed up. The mother said DCSS owed her almost one thousand dollars. We reviewed her information and then contacted DCSS.

Our contact reviewed the case and found that another state jurisdiction had requested assistance from DCSS in the enforcement of the complainant's case. That state closed their case and returned excess payments to Arizona. AZ DCSS requested paperwork explaining the payments. Then agreed to fix the complainant's case to reflect the corrected figures. Our contact explained all of this to the complainant and provided them with her direct line.

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## Did our intervention result in financial savings for a state employee?

### **1303886. Commerce Authority**

A Senator contacted us and requested we investigate a complaint he received from a constituent. The constituent served on a commission for the State and traveled extensively during her tenure on the commission. Following many years of serving, the member learned she could be reimbursed for her mileage during her tenure. She filed a travel claim to recoup her commission related expenses (mileage for attending official meetings), but she received no response or reason why her claim was not being processed.

We opened a case and gathered information. We found the commission member appeared to have precise records to reflect her mileage and had completed the appropriate GAO forms. We contacted the agency, discussed the case and asked them to review documents, and respond.

The director of the agency agreed. Upon finishing the review, he ordered a reimbursement for the former commission member.

## Did our intervention result in financial savings for a small business?

### **1304643. DES - Unemployment Insurance (UI)**

A small business complained of a problem with furloughed employees not receiving DES - Unemployment Insurance (UI) benefits. The problem came to us from a state Senator's office on behalf of a group of employees who work for a small business. DES issues unemployment benefits to recipients via a debit card. The unemployment benefits were allocated to the cards in this case, but when a recipient tried to use the card, it says it is empty. The company was afraid that someone was syphoning off the funds and defrauding the intended recipients.

We contacted the UI managers and they improved the level of communication with the small business. As a result, the bank corrected the unemployment benefit problem. The problem was not actually at the DES level, but occurred at the bank level. The DES UI staff informed the company how to notify the bank of fraud problems. The company now knows the proper procedure and steps to assist employees regarding UI benefits.

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## FOCUS AREA 2 –INTERVENTION IN CHILD PROTECTIVE SERVICES CASES

The Ombudsman Office helps complainants with Child Protective Services (CPS), the state agency whose mission is to protect vulnerable children and promote healthy family care of children.

The Ombudsman Office is uniquely situated to resolve individual CPS case concerns. Individuals can ask for our intervention when they believe CPS is failing to act on a report or is acting unjustly.

We are a legislative agency, independent of CPS, yet we have statutory authority to examine confidential information to evaluate whether CPS is acting in accordance with law and being fair.

Because of our independence and impartiality, both complainants and CPS trust us to make decisions based on a factual basis and without bias. We may coach, assist in resolving a limited problem, or launch an investigation.

We work with individuals – parents, kin, foster parents, adoptive parents, court and legal counsel officials, community service providers, CPS staff and state legislators when their interactions with CPS are troubled or confusing. We help people by giving them a voice in a very intimidating system. We also guide families to resources so they can more effectively navigate CPS and court systems.

We actively communicate with CPS concerning the grievances we receive. We are an early warning system, solving or heading off problems before they escalate into a total breakdown in communication between the complainants and the agency. As an extra set of eyes, we expedite getting CPS managers' attention on case and organizational troubles. We save CPS workers time by calming situations, facilitating communications and clarifying laws. We deescalate tensions and help the public and state avoid expensive litigation.

In FY2013, the Ombudsman Office substantiated problems in 19.46% of the CPS assistance and investigation cases, found 19.88% indeterminate and did not substantiate 60.66%. In calendar year 2013 the numbers were 22.17% substantiated, 13.73% indeterminate and 64.10% not substantiated. In the first two quarters of FY2014, we substantiated 24.37% of these cases, found 11.17% indeterminate and did not substantiate 64.47%.

If we confirm a problem, we recommend best practices to resolve systemic issues and correct specific case problems. Equally important, when CPS is found to have acted correctly (about 71% of the time, not counting indeterminate times), we stand up for them so they are not unfairly attacked and can move on to productive work.

Our six staff members have special access to the confidential CPS CHILDS database, case file and court decisions. This allows for an independent, but confidential look at information that

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is invaluable in helping us discern fact from fiction to solve problems between complainants and CPS staff.

The demands for our services have increased dramatically from a modest beginning in 1996. For instance, our overall caseload was 3,944 complaints in 2010, but grew to 4,853 cases by 2013. Our CPS caseload has increased similarly. In 2010, our CPS caseload comprised 15 % of our 3,944 cases. In 2013, CPS cases grew to 35 % of our 4,853 cases.

The Arizona Ombudsman Office serves as independent eyes and ears for the Legislature. We receive cases from legislators when constituents allege a state agency is behaving badly. It is a win/win/win system. Constituents are happy their legislator listened and got government to investigate an administrative act of an agency they question. Agencies are happy we always get their side of the story; we move fast, without fanfare and informally when possible; we

In 2010, our CPS cases comprised 15% of our 3,944 total caseload. By 2013, our CPS cases grew to 35% of our 4,853 caseload.

bring systemic problems to management's attention when internal systems fail; and we defend them if they performed correctly. Legislators are happy they get to maintain their professional objectivity, yet see to it that government agencies are accountable, acting in accordance with law and treating people fairly.

Policymakers in the legislative, judicial

and executive branches utilize Ombudsman Office expertise.

Our 18-year proven record of accomplishment in resolving difficult complaints against CPS and the balance of state agencies is documented in the annual and semi-annual reports. About midway through 2013, we made some refinements to our case management system, which enabled us to gather some statistics relating to who is filing the complaints, the number of complaints emanating from each CPS region, and the type of complaints.

The following are the initial results from 2013:

## **CPS Complaint Source Relationship**

Parent	681
Kin	226
Service Provider	23
Other	36

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## DCYF Region

Central	291
Southwestern	196
Southeastern	20
Northern	47
Pima	46

## Type of Complaint

Unfair Removal	114
Lack of Service	80
Inconsistent Visitation	75
Problems with Communication	335
Placement Problems	189
Inadequate efforts towards case plan goal	46
Other	183

The following are examples where our intervention helped resolve concerns with CPS:

### **1302601.**                      **DES - Child Protective Services**

A Mom contacted a senator and was referred to us. The mom was upset that CPS closed the case against dad.

We found eight issues to review with CPS. The biggest was whether the mom had prior CPS cases and kids removed. We reviewed the case and then contacted CPS. CPS clarified that no prior case existed. The agency also provided information and evidence to address our other eight concerns. We then reported back to the Senate office that CPS had documentation and evidence to support they had properly handled the matter.

### **1302664.**                      **DES - Child Protective Services**

We assisted a great paternal aunt get in touch with CPS. Long ago, she contacted CPS and asked to be a placement for her great nephews and nieces. CPS claimed the reason for the delay was because the aunt had not followed through with the process. The aunt claimed she



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had. CPS agreed to re-contact the aunt, but explained at that time placement with the paternal family was on hold until a paternity test for the father was finished. They explained this to the aunt. A month later, there was still no progress on placement so the aunt called our office again.

We looked into the case. We did not see a referral for a paternity test or any other progress towards placement with family. We contacted CPS. They informed us that the case worker who had the case last time we contacted CPS was no longer on the case. That case worker failed to set up the paternity test. Despite the delay, the new caseworker had already started the paternity test process. When we contacted them, CPS was waiting for the results in order to place with the paternal family.

The paternity test came back positive. CPS placed the children with a paternal aunt. They did not choose our complainant, but the complainant was happy just to have the siblings placed together in a family placement.

## **1302690.**

### **DES - Child Protective Services**

An adoptive mother said her son had been sexually abused as a child by men. The adoptive mother said that this child did not get the trauma services and advanced therapy he needed. She said the nature of the therapy he got was light and not up to the gravity of the situation.

Recently, the boy had acted out sexually with his sibling. The adoptive mother had alerted CPS and asked for services. CPS took the boy out of the home to safeguard his sibling. Given the situation, CPS said they could not place the boy back in the home because he might harm his sibling. They had to look for a placement.

Unknown to the adoptive mother, the CPS workers decided to place the child with a male couple. The adoptive mother said that given what had happened to this child as a little boy, she thought this could be a problem as the boy had expressed misgivings because of his history. The mom asked the CPS workers to stall or discontinue the plan until the boy could get counseling and the therapist could ascertain whether the placement was in the best interest of the boy. The mom said she was unsure whether the boy would be content with the placement. She said the CPS workers refused her request to delay the adoption saying the boy was difficult to place because it was not in the best interest of other children to place him with them. Because he could not be put with other children in a home, the CPS workers said this would have to do.

We confirmed the facts of the case and read the file. We too were concerned. We found no evidence that CPS ever got the boy the advanced therapy that is usually prescribed when children survive extreme sexual abuse. Given the abuse experience, lack of appropriate treatment services, the boy's inappropriate acting out and the rush to place in a home that the

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boy was not comfortable with, we thought managers should review anew what was in the boy's best interest. We alerted CPS's upper management and asked them to intervene. We briefed them on our concerns and asked them to meet with the adoptive mom and child. We requested they intervene and examine the situation and placement idea.

CPS managers immediately did so. They decided the course of action by the caseworker was not correct. They re-assigned the boy to another caseworker and supervisor and they stopped the placement. They then obtained the advanced services for the boy that had not been delivered in prior years. They said they would not push placement change in any direction until they got guidance from the therapist that the boy was ready.

We communicated with the adoptive mom and told her to contact us if the services did not continue or if she had other concerns.

## **1302840. DES - Child Protective Services**

A kinship foster placement was frustrated that CPS had not set up the requisite support for her and the kinship-foster children in her care. She is caring for three children, one of them with special needs. CPS said they would transfer the children's Social Security benefits to her, but they never did. They told her to fill out a DES benefits application, but when she was denied they would not help her re-file. They were also not sending her foster care stipends. Lastly, the caseworker had not done a wellness check in nearly two months. She tried to contact her caseworker and case supervisor but could not reach them.

We contacted CPS and notified them of the issues. The Assistant Program Manager for the case sent a case aide out to rectify all of the paperwork issues. They set in motion the process to transfer social security benefits, taught the placement the correct way to fill out the stipend paperwork in order for her to get it on time, and looked into the issue with DES benefits. They explained that the first caseworker went on family medical leave and her cases were transferred to a new caseworker whose supervisor quit shortly after the caseworker received them.

We contacted the placement and asked her to contact us back if she encounters any further issues.

## **1302885. DES - Child Protective Services**

A former kinship foster mother found out her former special needs foster child was back in CPS custody two years after reunification with the child's parents. By the time the former foster mother found out, the new case was already heading towards severance and adoption. She immediately left messages on the CPS hotline, as well as the caseworker's voice mail and email

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about how she would like to be a kinship foster placement for the child, and would like to adopt the child if the case went to severance. No one ever contacted her back. Three weeks went by with no word.

We contacted CPS. They contacted the former foster mother back and set up a time to speak about the case. CPS explained to us parents are obligated to notify CPS of potential family placements, but the parents did not include this family member on their list. We noted that the case file has this complainant listed as a former placement and has her contact information as well. They explained there was a new caseworker and the worker had not looked into the former placements. The family offered to adopt the special needs child she fostered before as well as the child's two siblings. CPS agreed to set up a home study and a background check on the couple. We told the couple to contact us if there were any further problems.

## **1303130.**

### **DES - Child Protective Services**

A brother-in-law was concerned about his wife's underage siblings. He did not believe CPS was properly investigating the allegations against the sibling's caregiver. Two of the children had run away from home, and both reported that their grandmother, their caretaker, physically abused the children in the home. The brother-in-law also had pictures of the bruising left on the oldest child who now stayed with him and his wife, although the photo did not have her face in it. Initially, he thought CPS was going to do in-home services with the grandmother and get counseling for the child in his care as well as classes for the grandparents. He then found out that CPS was backing away from the case completely.

We looked into the case and read the interviews with the grandparents and children. The grandmother admitted to using physical discipline and slapping the children. The nine year old, who had run away at an earlier time, said he did not feel safe in that home. The children reported varying levels of physical discipline, such as slapping in the face, pushing, spanking, hitting with objects, although no ones' story was the same. One child, who the others said received physical discipline, denied any physical discipline. CPS did not find any marks or bruises and most of the children reported they did not receive marks or bruises from the physical discipline. We spoke to the regional team and they reported that without marks or bruises it is difficult to substantiate physical abuse since physical discipline in itself is not illegal.

While reading the case, we also found that the grandmother was not the guardian of the children, but their mother did update the grandmother with a power of attorney each year. CPS would not be able to provide services to the grandmother if she only had a power of attorney. We saw paperwork which showed CPS planned to take custody of the children and place them back in the home of the grandmother in order to provide services to the family. We were concerned the grandmother would be chosen as a placement since she admitted to frequently using harsh physical discipline; a child said he did not feel safe in the home, two

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children had run away claiming abuse and there was a known undocumented resident in the home who would not submit to a background check.

We brought our concerns to CPS. They reported that they were not doing a dependency, because their Assistant Attorney General said the power of attorney showed the mother took the steps necessary to ensure that her kids are taken care of. We were concerned that if these findings were made about a typical parent or guardian some sort of services would be provided. Yet in this case, CPS only provided information about community resources and counseling for the children. We elevated the case to the attention of Division of Children Youth and Family leadership. After reviewing the case, the managers advised the field to re-open the case and pursue a dependency.

## **1303347.**                      **DES - Child Protective Services**

A grandmother who was the subject of a home study contacted our office to complain that CPS had released documentation with her Social Security number and birth date to the parties to the case.

We contacted the CPS caseworker and she admitted the mistake. We informed her supervisors and recommended that they contact the attorneys in the case and ask them not to re-release the information and otherwise do what was possible to address the problem.

## **1303386.**                      **DES - Child Protective Services**

A father was upset that after a month he was still waiting for parent aide services. His caseworker told him each week the parents were on a waiting list, but recently she told them that she needed to re-submit the referral. We looked in the system and saw that the caseworker sent in the referral on time, so we were not sure why it would take so long. We elevated the case to CPS management.

CPS explained they submitted the referral and thought it was going through, but nearly a month later the referral was sent back by the district office because the Assistant Program Manager did not sign the document. The caseworker fixed the issue and submitted the corrected referral to the waiting list. The parents received parent aide services after about three weeks of contacting us.

## **1303417.**                      **DES - Child Protective Services**

After an altercation between a safety monitor and a family member, CPS took custody of a child and placed him with the mother's sister. The mother saw that the sister had paperwork

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about the placement, but she did not have any copies of any documentation. The mother felt CPS unlawfully took her child. She was also upset because she was not receiving services yet. We explained that because of limited staff and resource availability, it could take up to a month to get services in place. Nonetheless, we told the mother we would verify that she was progressing on the waiting list.

We then researched the case in the CPS CHILDS case system. The CHILDS system documentation on the case was not complete. We did not see any case notes or updated information, so we contacted CPS management directly.

The Southeast regional managers had the assistant program manager contact us within the hour. She explained that the mother refused to sign a new safety plan and then refused to sign a copy of the temporary custody notice. They dropped off both documents at the mother's residence. She also reported that the service provider should be contacting the mother within the week. She confirmed that the parents tried to contact CPS, but the case team has not been able to reply to them because the parents contact numbers do not work.

We provided CPS with the contact information we have for the complainants. We called the mother, left her a voicemail explaining the situation, and asked her to contact us back if the CPS workers do not engage with her as pledged to us. We were not re-contacted, so we closed the case.

## **1303533.**

### **DES - Child Protective Services**

A mother contacted us with concerns regarding her children in CPS custody. She claimed CPS reported to court that the mother had participated in all services, had clean drug screens for the past 8 months, had actively participated in substance abuse treatment through Terros, had maintained stable housing and stable employment and had thus, satisfactorily demonstrated her ability to parent. The mother said the department requested the court award the mother physical custody of her children. However, the mother said her old caseworker quit after she issued the report and then the new caseworker decided not to award her custody of her children. She does not think that the new worker reviewed the file and believes she made an erroneous, hasty decision. The mother asked us to assist her to determine why CPS is not proceeding with the original plan.

We contacted CPS and they acknowledged that while the previous case manager recommended that the child be placed back in the physical custody of the mother, CPS did not file a formal motion for change of physical custody motion with the Court. CPS explained the Judge in the case decided the father deserved more consideration. The father had not had unsupervised visits, yet the father fully participated in services. The Court asked for further review and he asked the parents to establish a custody agreement and give their views to CPS.

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The CPS case manager followed the judge's order and spoke to the child and both parents. Additionally, the case manager reviewed the case file. She agreed with the past case manager's recommendations and decided to proceed with the initial recommendation. She filed the motion for change of physical custody. CPS shared this decision with the parents.

We contacted the mother to confirm she received the same information from CPS and was happy CPS had finished the review.

## **1303544.**                      **DES - Child Protective Services**

A maternal aunt who said she has guardianship of a child contacted us. She said CPS had custody now. The aunt said that she had asked CPS if the child could go and visit other people. CPS told her those people would have to pass a background check. The maternal grandmother (MGM) had a background check done, but now CPS said they still could not proceed until the MGM signed a safety plan. The aunt said she had been waiting for CPS to approve the MGM, but nothing was happening. She would like CPS to contact the MGM and finish the safety plan without further delay.

We contacted CPS and they informed us that the maternal aunt does not actually have guardianship of the child. The maternal aunt filed a private dependency petition. CPS said this is an open dependency in juvenile court. This means that CPS has legal custody of the child, while the aunt is the current placement for the child. CPS said the aunt wanted the child to be able to go to various homes to stay for one to several days. CPS said that in addition to required home and background checks on the adults having access to the child, CPS must also have all potential safety monitors review and sign the safety plan. CPS said they would have the worker contact the maternal grandmother, conduct the safety processes, and have her sign the plan.

We then contacted the family and informed them that CPS needs to follow certain protocol, but they assured us the delays would end. The family confirmed shortly thereafter that the CPS worker had followed up appropriately. We told the family to call us back if they had further problems.

## **1303729.**                      **DES - Child Protective Services**

A mother complained that she had not been able to get in contact with her son after CPS removed him from his father's house due to allegations of abuse. She explained that per the divorce order, she was allowed to call him several times during the week; however, since the child had been placed in CPS custody, she was not able to contact him. We took her information and contacted CPS.

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Our contact explained that the case manager had been in the process of moving work locations and therefore did not receive the mother's calls explaining the court order. CPS leadership got word of the concern to the manager. Once the manager received the order, she followed it and the mother began phone contact with her son immediately thereafter.

**1303758.**

## **DES - Child Protective Services**

A previous complainant said other tenants attacked her grandson in his group home and she did not know what to do. The grandmother said she was no longer allowed to visit the group home and was not allowed to initiate calls to the boy. She worried that the boy would not have anyone to turn to if staff did not step up and stop fights.

We told her to first report the current situation to the CPS Hotline, so CPS could officially record the report, enter it into the system and assign it for review. She said the boy called the great grandmother also. We told her to have the great grandmother call the Hotline too. We told her to call us back after she spoke to the Hotline.

The grandmother reported the concern to the Hotline and then called us back. We spoke to the grandmother extensively and then spoke to the CASA of Navajo County, the CPS problem resolution person and Family Advocacy Office (FAO) about the situation.

The problem resolution officer said she would have the FAO check the Hotline records and get back to us. The FAO said the mother and grandmother had both called the hotline. She said that CPS staff checked and the young man was fine, despite the altercation. She said they determined from interviews that the young man played a role in starting the fight and was not just set upon by the other boy. She said that CPS staff cautioned the staff of the home to be vigilant about calming the boys and avoiding fights. She also said that staff and residents of the group home had complained the grandmother behaved badly when she visited the home. The grandmother had been asked to not return and the judge had agreed to this restriction.

We spoke to the CASA from the county and he said he had witnessed situations where the grandmother and this boy were difficult, so that presented an obstacle for service people in the system. Nonetheless, he said other kids have hit the young man in custody and the state needs to do what it can to see he is secure. The young man needs to have resources to rely on and report to in times of trouble. The CASA said he made sure the young man was given his attorney's number. He also verified with the attorney that the attorney was receiving calls from the young man. The CASA said he did not offer his number as the young man is now out of his jurisdiction.

We relayed this to the grandmother and told her to call back if she had further concerns.

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**1303782.**

## **DES - Child Protective Services**

A kinship foster placement was frustrated with CPS. She said CPS did not set up the requisite assistance for her, and she has had to wait months to get documentation from them. Specifically, she said CPS did not provide her with personal identification for the children, nor did they help her set up kinship cash assistance funds. Lastly, the judge ordered for her to take a drug test but she did not think CPS set it up yet.

We checked with CPS and they agreed to assist the grandmother with cash assistance. They also agreed to contact DES about some discrepancies with nutrition assistance. The case team believed the grandmother submitted the required paperwork to DES, but for unknown reasons DES held up the application. CPS said they would resolve that problem and line up the drug test required by the court once they got the court minutes.

We informed the kinship foster placement and told her to contact us again if any more problems arose.

**1303900.**

## **DES - Child Protective Services**

A mother was concerned that CPS was not providing her son with the needed medical follow up. She was also concerned that CPS was not fully investigating possible abuse of her son at his group home. She heard from her son that the caseworker had not been to see the placement in four months.

We looked into the electronic CHILDS case file, and found that the case team was in contact with the group home about the possible abuse. We also noted the group home manager reported to CPS that the subject of the investigation was on administrative leave until they could ascertain if the abuse happened. We did not see any case notes on the placement's contact with the child, or the medical concerns, so we contacted CPS to get more information about those allegations.

Within forty-eight hours, CPS responded back to us to notify us that they scheduled a follow-up appointment for the medical concern regarding the boy's knee. They explained that the child had a general checkup six months ago, but the caseworker was not aware of the knee problem, so it was not addressed at that time. They said they only became aware of the knee issue the week prior to us contacting them. They confirmed the information we already knew about the group home investigation. They spoke with the caseworker who said she had met with the child in the placement every month. CPS managers provided us seven months of child contact documentation. The CPS managers spoke with the caseworker about having properly updated notes.

We informed the mother of the CPS actions and asked her to contact us again if she continued to have concerns.



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## **1303984.**                      **DES - Child Protective Services**

A family said that CPS came to their home and left a brochure, but did not explain anything.

We looked up the case and confirmed the CPS caseworker had not documented the file properly. We contacted CPS managers and reviewed the case. The managers concurred. They intervened and had the caseworker go out to the house, explain the reason for the investigation, and finish adding the documentation in the CPS CHILDS system.

We confirmed with the family.

## **1304212.**                      **DES - Child Protective Services**

A potential kinship foster placement was interested in adopting her cousin's children. The parents never notified CPS of her as a possible placement, and she had some difficulty getting in touch with them. We facilitated the case team contacting her. Time passed and she had passed a number of clearances, but did not feel like CPS was moving forward with placement. She was also upset that she did a best interest assessment a month ago, but no one told her what the outcome was.

We contacted CPS regional management. They looked into the concern and responded within 24 hours. They found that the case team was considering kinship placement with the complainant, but they had a number of factors weighing in on the situation, such as the parents opinion, as well as the strong bond between the current foster parents and the children. They also noted that they too were waiting for the contractor to provide them with a copy of the best interest assessment.

We contacted the complainant later to check on the situation. She explained that she still did not have a copy of the best interest assessment, but she was content with the situation. She explained that after the parents gave birth to a newborn, CPS placed the child with them and since then, CPS has kept them more in the loop. She explained that since then, she has a new understanding of the positive aspects of keeping the other children with the foster family, and she is ok with being the placement, or not being the placement. She asked to discontinue the complaint and said she would follow up with CPS directly, and call us if she needed any more help. She thanked us for our assistance thus far.

## **1304220.**                      **DES - Child Protective Services**

A lady said that CPS came to her home back in October to investigate an allegation. The CPS worker interviewed the family and inspected the home. She indicated to the family that she

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was not going to substantiate the allegation and planned to close the case. The family did not hear anything since. The family had tried contacting the caseworker, but had not heard back. The family did not want this cloud hanging over their head and asked us to intervene and get CPS to respond.

We researched the case and read what was documented in the CPS case system. We confirmed the problem. We found CPS had closed the case, but had not sent any closing letter as required by law. We contacted CPS regional managers and they agreed to fix the situation. They sent the closing letter to the family. We informed the family that the letter would arrive shortly and asked them to contact us if they had further problems with CPS.

## **1304263.**                      **DES - Child Protective Services**

A subject of a closed CPS investigation had never received her closing letter. Her husband also did not receive a letter. She tried to ask CPS for this document but no one responded to her.

We contacted CPS and asked them to either send or re-send the letters. The CPS regional managers responded the next business day to say the caseworker sent the letters for the complainant and her husband.

We notified the complainant and asked that she contact us back if she did not receive the letters within the week. She contacted us again later that week to say she got the letters. Unfortunately, CPS had written and addressed her husband's letter under her surname instead of his but they agreed to re-send it. She thanked us for our assistance.

## **1304267.**                      **DES - Child Protective Services**

A grandmother and grandfather were concerned that CPS cleared their grandchildren to return home with their mother and stepfather. They said the police told them it was up to CPS. The allegations were the mother failed to protect the children from her husband, their step-father who abused the children, had mental health problems, and engaged in domestic violence in the home. It was also alleged that the mother failed to protect her child from being sexual abused by another child in the home after the child disclosed the abuse. Professional therapists and the grandparents contacted the hotline about these concerns. No one contacted them back about what was happening.

We contacted the regional team, as well as the crisis management manager and asked for an update on what was happening. We saw in the CPS system the workers had reviewed the reports, but there were no notes on what was currently going on. CPS responded within a few hours and explained that the family and CPS agreed for the children to stay with their natural father until CPS could finish their investigation.

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We contacted the grandparents and explained that we could not speak with them about the case, but that CPS explained the situation to us, and they should contact the father for more information. They thanked us for the assistance and said they would contact him right away. We told them they could call back if they continue to have concerns.

## **1304621.**                      **DES - Child Protective Services**

A mother contacted us to report that CPS was not communicating with her appropriately. She complained she did not get a temporary custody notice (TCN). Pursuant to law, CPS is required to give parents a TCN when they take a child. The mother also said that CPS failed to return the children after 72 hours and had not arranged for court in that time either. The law requires CPS to return children within 72 hours unless they ask Superior Court for a dependency hearing.

We checked the official record and found that the report the mother made to us was not true. CPS had handled both matters in accordance with law. CPS sent the original TCN to the mother in jail and had documentation that she received it from jailers. Additionally, CPS gave the mother another copy of the TCN at the team decision meeting upon her first meeting with CPS after her release from jail. When the mother denied she was given the TCN again, CPS provided a third copy. Concerning court, CPS said they took the mother to court and submitted the request for a court dependency within the 72-hour limit referred to in statute.

We informed the mother we did not substantiate her complaint allegation because CPS had documentation to support their actions.

## **1304741.**                      **DES - Child Protective Services**

A mother was upset that CPS came back to check on a report after 7 months of not hearing from them. Additionally, she felt the caseworker was rude. We spoke to her about her case, and suspected that the original caseworker may have not closed the case when it initially opened. We said we would check into it and get her contact information for the caseworker and supervisor. We recommended she cooperate in the meantime. She said she would.

We contacted CPS and they explained that the original caseworker left the agency without recording any notes; so unfortunately, a new caseworker had to re-investigate in order to make a finding. They noted they have not been able to get in contact with the mother.

We contacted the mother and let her know CPS has a reasonable reason for re-investigating. We asked if we could forward her current number to CPS, since the caseworker mentioned she has had a hard time reaching her. She said yes. We sent the current phone number to CPS.

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## FOCUS AREA 3 – INTERVENTION IN PUBLIC ACCESS CASES

### OUTREACH AND EDUCATION

#### Educational Materials

We released updated Ombudsman Booklets on Public Records Law and Open Meeting Law on our website and in hard copy. To date, over 300 newly updated public access booklets have been distributed to elected officials, public employees, advocacy groups and members of the public. In addition, I share and help develop training materials for public bodies. I continue to update our website with publications, training opportunities, and developments in the open meeting and public records law: new case law, legislation, and Attorney General Opinions.

In response to several complaints, we requested an Attorney General Opinion to clarify the amount that agencies may charge to inspect records. The existing law in this area is limited and we frequently received complaints from residents and the media about inconsistent policies by various public agencies. We also found in our trainings that many public employees had different interpretations of what was required by law. The Attorney General's Office responded with a detailed and informative opinion *No. 113-12 Charging Copying Fees under Arizona's Public Records Law*. The opinion has been widely praised by the public and the media as providing clear, uniform guidance to public agencies.

#### Trainings

There is a huge demand for training throughout the State. During 2013, I provided 17 live training sessions. In an effort to streamline training and reduce expenses, I have successfully worked with several counties to coordinate centralized trainings; reaching out to the various local entities: county departments, towns, cities, local boards, commissions, committees, school districts, charter schools, fire districts, and all special districts. We posted a link on our website to Public Records Law and Open Meeting Law video trainings offered by our office and the League of Arizona Cities and Towns.

In addition to trainings discussing the public access requirements generally, we developed and presented customized trainings to address specific needs of public officials upon request. In 2013, we provided training to the Arizona Power Authority regarding the public access requirements when dealing with independent contractors. Additionally, we presented an overview of the how the public records law addresses autopsy photographs at the Arizona Sheriffs Association when the Association was considering legislative goals for the upcoming legislative session.

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## Inquiries and Investigations

In 2013, our office received 670 calls regarding matters related to public access. Of those calls, 393 were public record inquiries and 277 were open meeting inquiries. Table 1 provides a breakdown of the number of inquiries received from the public, the media, and government agencies. Table 2 provides the number of inquiries received about state agencies, county agencies, city or town agencies, school districts, and other local jurisdictions.

**Table 1**

	Public Inquiries	Media Inquiries	Government Agency Inquiries
Number of inquiries	382	49	239

**Table 2**

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquiries	208	85	173	56	148

### **1300645. Arizona Secretary of State**

Staff for the Secretary of State's Office requested clarification on appropriate fees for copies of records. They are considering increasing their fees from \$.10 per page. We discussed that a person requesting copies, printouts, or photographs of public records for a non-commercial purpose may be charged a fee for the records. A.R.S. § 39-121.01. An agency may charge a fee it deems appropriate for copying records, including a reasonable amount for the cost of time, equipment, and personnel used in producing copies of records, but not for costs of searching for the records. A.R.S. § 39-121.01(D)(1); *Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980); Ariz. Att'y Gen. Op. I86-090.

### **1300671. Mayer Water District**

A resident complained that a Mayer Water District is charging too much for public records. The current policy states that the cost is one dollar per page and twenty five dollars per hour for staff time making copies. I contacted the custodian of records, the district attorney and a board member. We discussed that an agency may charge any fee it deems appropriate for

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copying records, including a reasonable fee for cost of time, equipment and personnel used in producing copies of records subject to public disclosure, but not costs of searching for the records. Op.Atty.Gen. No. 186-090. There is no fee to inspect the records. The district agreed to review their existing policy to ensure it is consistent with the above guidance.

## **1301755.**                      **Pinetop**

A resident of Pinetop complained that he could not hear a presenter at the Open Meeting and asked him to repeat his comments. The mayor instructed the presenter not to repeat his comments. Following the meeting, the resident requested copies of the audio and draft minutes of the meeting. He also complained that the mayor's home was foreclosed on and he wanted to confirm that he still lived in the town. We contacted the city clerk and discussed best practices for ensuring that member of the public could hear during the meetings. The resident has difficulty hearing and was sitting in the back of the room. We discussed available options to confirm the mayor's address through a public records request and comments during the call to the public.

## **1301793.**                      **Maricopa**

A former employee of Maricopa County Community College complained about public records requests submitted to Maricopa County Community College and the Arizona State Museum. Her primary concerns were related to the agency's response time and the grounds for redactions. We reviewed both concerns. An agency is required to promptly furnish public records to the requestor. "Promptly" is not defined by statute. The courts have held that defining promptness depends on what is reasonable under the circumstances. The relevant factors to consider are the agency's resources, the nature of the request, the content of the records and the location of the records. We applied these factors to the requests and did not find a violation.

Maricopa Community College redacted portions of the records that were produced. When an agency finds that part of a document should be withheld, the agency is required to redact the withheld portion of the public record and produce the remainder of the public record. Public inspection should not be denied entirely since other alternatives exist such as deletion of specific personal identifying information. Agencies should produce a redacted copy of the document rather than withholding the entire document. *Carlson v. Pima County* (1984) 141 Ariz. 487, 687 P.2d 1242. Maricopa Community College redacted portions of the record based on the Family Educational Rights and Privacy Act (FERPA). Education records are defined as records that are directly related to a student and maintained by an educational agency or

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institution or by a party acting for the agency or institution. The records appear to meet this definition.

## **1302198.**                      **Scottsdale**

A resident of Scottsdale requested assistance with a public records request for budget material of an independent contractor of Scottsdale. We discussed the content of his request and the options available to him. We contacted the city and discussed the request, remaining records to be produced, and actions to ensure good faith compliance with the Arizona Public Records Law.

We forwarded the city the following case law in other jurisdictions to assist them in developing their policies. *Gateaux v. Internal Medicine Educ. Foundation*, 336 SW3d 526 (Tenn Ct. App. 2009) held that an independent contractor is subject to the public records law based on extent to which the entity performs a governmental or public function, (ex. Prison Services) (held that a nonprofit that acted essentially as a bookkeeper for a University residency program did not perform a government function) the level of government funding of the entity, the extent of government involvement with, regulation of, or control over the private entity, and whether the entity was created by a legislative act or previously determined to be subject to the Public Records Act.

*Evertson v. City of Kimball*, 767 NW2d 751 (Supreme Ct of Nebraska 2009) held that the private entity must prepare the records to carry out a public office's responsibilities; the public office must be able to monitor the private entity's performance; and the public office must have access to the records for this purpose. The court concluded, "[G]overnmental entities cannot conceal information concerning public duties by delegating these duties to a private entity."

In *Burka v. United States Dep't of Health & Human Services*, 87 F.3d 508 (D.C.Cir.1996) the court held that scientific research created by independent contractors for the benefit of NIH/NCI have, in fact, previously been held to be agency records and, therefore disclosable under FOIA.

## **1302856.**                      **Yavapai County**

The county attorney's office contacted us to discuss a public records request for autopsy materials related to the Yarnell Fire District deaths. We discussed that although autopsy reports are subject to disclosure under the Public Records Law, the privacy interests of survivors may justify nondisclosure in some circumstances. Ariz. Att'y Gen. Op. I88-130.

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**1303141.**

## **Sierra Vista**

A resident complained that the Sierra Herald printed an interview with the Assistant City Manager regarding upcoming meetings. The article discussed private meetings that are planned to deliberate on economic development with two council members, members of staff and members of the business community selected by the council. The group intends to make recommendations to the council about upcoming economic issues. We contacted the city clerk's office and discussed our concerns regarding a subcommittee. She discussed the issue with the city attorney and resolved any Open Meeting Law issues prior to a violation.

**1303350.**

## **Phoenix**

A union representative complained that the city of Phoenix did not produce records due to their status as drafts. We contacted the city and informed them that this is not a valid grounds to deny a records request. The city informed us that the department had not consulted with the legal department on this request and they intended to release the records to the requestor this week.

**1303813.**

## **Isaac Elementary School District**

A resident complained that the school intended to charge him \$900 for a list of employee names, titles and salaries. We discussed the request with the school and the school's attorney. They took the position that they would charge the same amount for inspection as well as copying. We discussed the request with the complainant and recommended that he, either, submit an amended request for inspection only of the records, or request only the information for the top 35 highest paid employees. He sent us a copy of his amended request for the information on the top 35 highest paid employees.

**1304030.**

## **Arizona Medical Board**

A resident complained about the Medical Board postings and minutes. The complaints regarding the website postings are not required by statute. The minutes that he referred to are draft minutes. He discussed that the prior final minutes follow the same template. We discussed the concern with the Attorney General for the Medical Board. She explained that some of the public comment typically dealt with HIPAA protected information. They maintain that the HIPAA confidentiality requirements outweigh the requirements in the Open Meeting Law relating to minutes for public comment. We requested that she review the prior minutes to ensure that the abbreviated description of the public comment only applied to HIPAA protected information.



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**1304400.**

**Peoria**

A reporter contacted our office to discuss a recent ordinance that the City of Peoria passed prohibiting council members from texting and emailing each other during council meetings. We discussed that our office generally discourages this type of behavior during meetings because it interferes with public confidence. However, the content of the communications would have to be evaluated to determine whether each instance was an Open Meeting Law violation.

In the most recent legislative session, HB2260 greatly expanded the role of the agency's attorney. The bill requires that, in addition to administering the existing public access program described above, the public access attorney must handle legal issues arising from complaints of violations of the small business bill of rights and assist the Ombudsman with all required reports to the legislature.

**Kathryn Marquoit**

**Assistant Ombudsman – Public Access**

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## Our Cases - Numeric Results

### OVERALL CASE STATISTICS

As explained on page 1 of this report, we respond to citizens' complaints in three ways: coaching, informal assistance or investigation. Our total caseload in 2010 was 3,944. Our FTEs handled 606 cases per person then; CPS cases were 15.16 % of our total load. The caseload increased every year from 2010 forward. In 2013, our caseload grew to 4,853. This equates to 809 cases per FTE, on average. The upward trajectory shows no sign of abating. CPS cases ran 34.78% of our 2013 total cases. Thus, in 5 years, the CPS cases submitted to the Ombudsman-Citizens' Aide Office over doubled while total cases grew 23.05%.

Below is a numeric summary of cases for 2013.

Table 3 - Total Requests for Help January 1 – December 31, 2013			
Coaching	Assistance	Investigation	TOTAL CASES
3,387	1,255	211	4,853

### INVESTIGATIONS

We managed our 211 investigations in the year as highlighted in the following tables.

Table 4 - Investigations January 1 – December 31, 2013	
Declined*	18
Complaint withdrawn or resolved during investigation	0
Investigation completed	185
Ongoing	8
TOTAL REQUESTS FOR INVESTIGATION	211

\* A.R.S. § 41-1377(C) gives the Ombudsman-Citizens' Aide the statutory authority to decline to investigate a complaint.

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Investigative Findings – January 1 - December 31, 2013		
<b>SUPPORTED/PARTIALLY SUPPORTED</b>		45
Requires further consideration by agency	22	
Other action by agency required	8	
Referred to the legislature for further action	0	
Action was arbitrary or capricious	0	
Action was abuse of discretion	2	
Administrative act requires modification/cancellation	2	
Action was not according to law	10	
Reasons for administrative act required	0	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	1	
<b>INDETERMINATE</b>		43
<b>NOT SUPPORTED</b>		96
<b>TOTAL COMPLETED INVESTIGATIONS</b>		185

## CONTACTS BY AGENCY

Between January 1 and December 31, 2013 our office handled cases involving 208 agencies. The following table shows the distribution of our contacts by agency. Cases involving Child Protective Services comprised 35% of our total for 2013.

Agency	Coaching	Assistance	Investigation	Total
Acupuncture, Board of Examiners of	1	0	0	1
Administration, Department of	19	7	2	28
Agriculture, Department of	1	1	0	2
AHCCCS	43	36	2	81
Anthem	1	0	0	1
Apache County	15	3	4	22

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Appraisal, Arizona Board of	2	0	1	3
Arizona Association of Counties	2	0	0	2
Arizona Commission for the Deaf & Hard of Hearing	2	0	0	2
Arizona Power Authority	6	0	0	6
ASU -Arizona State University	3	0	1	4
Attorney General, Office of	54	8	1	63
Auditor General	4	0	0	4
AZ Peace Officer Standards & Training Board	1	0	0	1
Behavioral Health Examiners, State Board of	16	10	3	29
Benson	7	0	1	8
Bisbee	3	0	0	3
Bowie Water District	1	0	0	1
Boxing Commission	1	0	0	1
Buckskin Sanitary District	0	0	1	1
Bullhead City	2	0	1	3
Cave Creek	2	0	0	2
Charter Schools, Arizona State Board of	3	0	0	3
Chino Valley	3	0	0	3
Chloride Water Improvement District	7	0	0	7
Citizens Clean Elections Commission	1	0	0	1
Clifton	3	0	1	4
Cochise County	8	0	1	9
Cochise County Planning and Zoning Commission	0	0	1	1
Coconino County	2	0	0	2
Commerce, Department of	2	3	0	5
Commission of Judicial Conduct	3	0	0	3
Coolidge Unified School District	1	0	0	1
Corporation Commission	21	3	2	26
Corrections, Department of	37	4	3	44
Cosmetology, Board of	1	0	3	4
Cottonwood	2	0	0	2
Deaf and Blind, Arizona School for the	11	1	7	19
Dental Examiners, Board of	10	1	0	11
Department of Economic Security	16	2	0	18
DES - Aging & Community Services	105	5	3	113
DES - Benefits and Medical Eligibility	83	255	2	340
DES - Child Protective Services	1180	445	47	1672
DES - Child Support Service	29	83	1	113
DES - Children and Family Services	1	6	0	7
DES - Developmental Disabilities	8	9	0	17
DES - Employment and Rehabilitation	32	129	2	163

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<b>DES - Office of Licensing Certification Regulation</b>	3	6	0	9
<b>DES - Other</b>	15	8	0	23
<b>DES- Adult Protective Services</b>	11	2	1	14
<b>Desert Marigold School</b>	7	0	0	7
<b>Developmental Disabilities Council</b>	2	0	0	2
<b>Dewey</b>	6	0	0	6
<b>Dispensing Opticians</b>	2	0	0	2
<b>Douglas</b>	1	0	0	1
<b>Education, Department of</b>	12	3	0	15
<b>Emergency &amp; Military Affairs, Department of</b>	1	0	0	1
<b>Environmental Quality, Department of</b>	2	4	0	6
<b>Financial Institutions, Arizona Department of</b>	10	0	0	10
<b>Fingerprinting, Board of</b>	2	1	0	3
<b>Fire Building and Life Safety, Department of</b>	9	1	1	11
<b>First Things First</b>	4	0	0	4
<b>Flagstaff</b>	4	0	0	4
<b>Game and Fish, Department of</b>	2	2	1	5
<b>Gaming, Department of</b>	0	1	2	3
<b>Gila County</b>	3	0	0	3
<b>Glendale</b>	5	0	4	9
<b>Glendale Union High School District</b>	1	0	0	1
<b>Golden Valley Fire District</b>	10	1	2	13
<b>Governor, Office of</b>	11	1	0	12
<b>Governor's Council of Aging</b>	3	0	0	3
<b>Governor's Council on Spinal and Head Injuries</b>	1	0	0	1
<b>Graham County</b>	0	1	0	1
<b>Harquahala Valley Fire District</b>	11	0	0	11
<b>Health Services, Department of</b>	68	12	1	81
<b>Health Services, Vital Records Office</b>	6	0	0	6
<b>Higley School District</b>	0	0	2	2
<b>Historical Society, Arizona</b>	1	0	1	2
<b>Housing, Department of</b>	7	0	0	7
<b>Industrial Commission</b>	39	7	0	46
<b>Insurance, Department of</b>	12	7	1	20
<b>Iron Springs Sanitary District</b>	1	0	0	1
<b>Judicial Conduct, Commission on</b>	7	0	0	7
<b>Junipine Fire District</b>	1	0	0	1
<b>Juvenile Corrections, Department of</b>	2	0	0	2
<b>Kearny</b>	1	0	0	1
<b>Kingman</b>	1	0	0	1
<b>La Paz</b>	1	0	0	1

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Land, Department of	4	0	0	4
Legislature	18	0	0	18
Library, Archive & Records Dept.	7	1	0	8
Liquor Licenses and Control, Department of	4	1	0	5
Lottery	1	0	0	1
Mammoth	0	0	2	2
Marana	1	0	0	1
Maricopa	12	0	3	15
Maricopa County Attorney	2	0	0	2
Maricopa County Clerk	1	0	0	1
Maricopa County Sheriff	1	0	0	1
Mayer Fire District	5	0	0	5
Mayer Water District	7	0	2	9
Medical Board, Arizona	47	26	10	83
Miami	2	0	0	2
Mojave	1	0	0	1
Naturopathic Physicians Board of Medical Examiners	2	0	1	3
Navajo	1	0	0	1
Northern Arizona Sustainable Planning Group	0	0	1	1
Northwest Fire District	1	0	0	1
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	2	0	1	3
Nursing, State Board of	14	4	3	21
Ombudsman	99	1	0	100
Oro Valley	1	0	2	3
Osteopathic Examiners in Medicine and Surgery, Board of	2	1	0	3
Other - Government	347	3	0	350
Other - Private	260	2	0	262
Other-federal	18	0	0	18
Palominas Fire District	3	0	0	3
Paradise Valley	4	0	0	4
Parks, Department of	2	0	2	4
Patagonia	1	0	0	1
Payson	2	0	1	3
Pearce Fire District	6	0	1	7
Peoria	1	0	0	1
Peoria City Attorney's Office	1	0	0	1
Personnel Board	4	0	0	4
Pharmacy, Board	4	2	0	6
Phoenix	4	0	1	5
Phoenix Fire Department	1	0	0	1

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Phoenix Police Department	0	0	1	1
Physical Therapy Examiners, Board of	5	1	12	18
Physician Assistants, AZ Regulatory Board of	5	3	0	8
Pima	2	0	0	2
Pima County Sheriff's office	1	0	0	1
Pinal	8	1	1	10
Pinal County Attorney's Office	0	0	1	1
Pinal County Sheriff's Office	0	1	0	1
Pinetop	3	1	1	5
Pinetop-Lakeside	1	0	1	2
Pioneers Home	3	3	0	6
Podiatry Examiners, State Board of	1	1	0	2
Postsecondary Education, Arizona Commission for	2	1	0	3
Prescott	2	0	0	2
Prescott Valley	2	0	0	2
Private Post-Secondary Education, Board for	4	2	0	6
Psychologist Examiners, State Board of	2	0	0	2
Public Safety Personnel Retirement System	3	0	0	3
Public Safety, Department of	10	4	3	17
Quail Ridge Water District	5	1	0	6
Quartzite City Clerk	1	0	0	1
Quartzsite	4	1	8	13
Quartzsite Police Department	1	0	0	1
Racing, Department of	1	2	0	3
Real Estate, Department of	5	1	1	7
Regents, Arizona Board of	2	0	0	2
Registrar of Contractors	16	20	6	42
Retirement System, Arizona State	4	3	1	8
Revenue, Department of	31	20	0	51
Sahuarita Police Department	1	0	0	1
Salt River Pima-Maricopa Indian Community	1	0	0	1
Santa Cruz	0	1	0	1
Scottsdale	1	0	3	4
Scottsdale Unified School District	1	0	0	1
Secretary of State, Office of	9	0	0	9
Sedona Charter School	2	0	0	2
Sedona Fire District	1	0	0	1
Sheriff's Posse Road Improvement District	1	0	0	1
Sierra Vista	4	1	1	6
Sun City	2	0	0	2
Sun City West Fire Board	1	0	0	1
Sunburst Farms Irrigation District	12	4	1	17

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Sunsites	1	0	0	1
Superior Court	15	0	0	15
Supreme Court	1	0	0	1
Surprise	1	0	0	1
Technical Registration, Board of	0	2	2	4
Transportation, Department of	16	9	2	27
Transportation-Motor Vehicle Division	26	47	1	74
Tucson	9	0	1	10
Tucson Police Department	0	0	1	1
Tucson Unified School District	4	1	0	5
University of Arizona	1	0	0	1
Unknown	17	1	2	20
Unknown charter school	7	0	0	7
Unknown city	17	0	0	17
Unknown Community College	3	0	0	3
Unknown Conservation District	1	0	0	1
Unknown Domestic Water Improvement District	2	0	0	2
Unknown fire district	8	0	2	10
Unknown Irrigation District	2	0	0	2
Unknown local jurisdiction	2	0	0	2
Unknown school district	20	1	4	25
Unknown state agency	73	4	1	78
Upper San Pedro Partnership	1	0	0	1
Valley Schools Management Group	1	0	0	1
Various	8	1	1	10
Various Cities/Towns	2	0	0	2
Various school districts	1	0	0	1
Veterans' Services, Department of	4	3	1	8
Veterinary Medical Examining Board	2	0	2	4
Water Resources, Department of	1	0	0	1
Weights and Measures, Department of	17	2	0	19
Yarnell School District	0	0	1	1
Yavapai County	6	0	0	6
Young Public Library	1	0	0	1
Yucca Fire District	11	0	2	13
Yuma City	10	2	10	22
Yuma County	2	1	1	4
Yuma Police Department	1	0	0	1
<b>TOTAL NUMBER OF CONTACTS</b>	<b>3387</b>	<b>1255</b>	<b>211</b>	<b>4853</b>

Reflecting cases received January 1 through December 31, 2013



# WHO WE ARE

## About the Ombudsman and Staff

### ARIZONA OMBUDSMAN-CITIZENS' AIDE - DENNIS WELLS

Dennis became Ombudsman Citizens Aide on July 2, 2012 following confirmation by the Legislature and Governor in early 2012. Dennis holds a Masters Degree in Public Administration from Northern Arizona University and a Bachelor of Science in Geology. His educational background also includes a fellowship at Harvard regarding studies in State and Local Government. He has ombudsman training prescribed by the U.S. Ombudsman Association (USOA) and is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). He has public and private sector experience. In the public sector, Dennis was an elected supervisor and chairman of the Coconino County Board of Supervisors, State Land Commissioner for Arizona, a member of the Arizona State Parks Board and served as City Manager for Williams, Arizona. Dennis' public service also includes serving on the Board of Directors, Foundation for Flagstaff Medical Center and as a board member of the Arizona City and County Managers Association. In the private sector, Dennis began his career working in the family business, The Williams Grand Canyon News, which has been continuously published by the Wells' family for 100 years. Following graduation from Northern Arizona University, Dennis worked for private firms in oil exploration and drilling in Texas, Louisiana and overseas (Africa and the Middle East). Dennis has specialized experience in public management, intergovernmental relations, strategic and public planning and dispute resolution.

### DEPUTY OMBUDSMAN - JOANNE C. MACDONNELL

Joanne joined the office as Deputy Ombudsman in 2005 after serving nearly eight years as the Arizona Corporation Commission Director of Corporations. Prior to working in government, Joanne worked in the private sector at FCC Investors, Inc. (dba: Valley Seed Company), serving on the Board of Directors and as an accountant; with her husband in his law practice; and in real estate as a licensed Realtor associate and real estate appraiser. Joanne has Bachelor of Science degrees in Business Administration and Real Estate from the University of Arizona, is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR) and completed mediation training through South Mountain Community College. She has additional training including the Executive Course, Project & Investment Justification Training, various risk management, procurement and ethics courses through Arizona Government University; the Leadership Module through Rio Salado College and AZGU; and ombudsman training prescribed by the U.S. Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, serving as a Board Member and led the Children and Family Committee for two years. She is also a member of the Association for Conflict

# WHO WE ARE

Resolution, qualified in the “Practitioner” category. She is a member of the CPS Citizen Panel Review Committee, the Arizona Court Improvement Committee and the Court Parent Representation Committee. She is a judge for the Central Arizona BBB Business Ethics Award.

## ASSISTANT OMBUDSMEN

### SARAH BRUCE

Sarah joined the Ombudsman office in 2013, after serving as both an intern and a contractual employee with the office. She previously interned with the Gila River Indian Community Employment and Training Department, where she worked with pre-teens and teens as a Workforce Investment Act Youth Counselor. Prior to that, she worked as a Quality Assurance Supervisor for Western Wats, a national tele-survey company. She received her Bachelor of Art degree in History from Arizona State University. She has completed training with the Child Welfare Training Institution and Department of Economic Security to obtain clearance for the Children’s Information Library & Data Source (CHILDS) Program and she has ombudsman training prescribed by the U.S. Ombudsman Association (USOA). She is an associate member of the National Indian Child Welfare Association.

### KATHRYN MARQUOIT

Kathryn is an attorney who joined the office in 2011 after managing the Phoenix branch of Genex Services, Inc. At Genex, Kathryn worked primarily in a program that provided Social Security Disability legal representation to disabled clients nationally. Prior to her work litigating before the Social Security Administration, Kathryn served as member of the legal staff for the Governor’s Regulatory Review Council (GRRC) during Governor Janet Napolitano’s and Governor Jan Brewer’s administrations. She has bachelor’s degree from Syracuse University, a law degree from Villanova Law School and is licensed to practice law in Arizona.

### CARMEN SALAS

Carmen joined the Ombudsman’s office in 2005. She previously worked at the Arizona Corporation Commission for nine years as a management analyst and supervisor. She received her Bachelor of Science degree in Business Management from the University of Phoenix. She has completed additional training including ethics and various risk management courses through Arizona Government University. She has completed the Leadership

Module through AZGU, is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR), has ombudsman training prescribed by the U.S. Ombudsman Association

# WHO WE ARE

(USOA) and has completed mediation training. She has also completed training with the Child Welfare Training Institution and Department of Economic Security to obtain clearance for the Children's Information Library & Data Source (CHILDS). Carmen is fluent in Spanish.

## FORMER ASSISTANT OMBUDSMEN

### KATE OTTING

Kate is the former Director of Conflict Resolution Programs for the Arizona Attorney General. She founded Interaction Management Associates and has led seminars on mediation, negotiation and conflict management for businesses and public agencies throughout the U.S. She has mediated employment, housing discrimination, family, ADA, EEOC, US Postal Service and public policy cases. She received her initial mediation training in 1994 through the Iowa Peace Institute, an agency created by the Iowa legislature. She later became the agency's Director of Conflict Resolution and was featured for her work with school mediation programs in a PBS documentary. She previously served as Vice President for International Services with the International Center for Community Journalism, introducing former Soviet journalists to free press concepts. She holds a master's degree in international management, with a concentration on alternative dispute resolution. She is fluent in French and has worked in Africa, Asia and Europe. She is also a CLEAR-certified investigator. Kate resigned from our office in late March 2014 for a position in South Africa.

### STEPHANIE WILLIS

Stephanie became the Assistant Ombudsman for CPS matters in 2011 after working as a Child and Family Therapist for EMPACT- SPC. Prior to her employment as a psychotherapist, Stephanie worked for nearly three years with the Department of Economic Security as a Child Welfare Licensing Specialist. Stephanie has served in various systems of care for children and families including. Stephanie earned her bachelor's degree in Deaf Studies- Human Services from California State University at Northridge and master's degrees in Social Work and Public Administration from Arizona State University. Stephanie is licensed as a Licensed Master Social Worker by the AZBBHE. Stephanie left our office in February to work at the state agency, First Things First.

